

Appl. No. 10/644,518
Examiner: Zimmerman, Glenn, Art Unit 2879
In response to the Office Action dated May 5, 2004

Date: July 20, 2004
Attorney Docket No. 10112811

REMARKS

Responsive to the Office Action mailed on May 5, 2004 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1-10 are pending. Claims 1-5 stand rejected under 35 USC 102(e) as being anticipated by Cho et al (US Patent No. 6,674,250). Claims 6-10 stand rejected under 35 USC 103(a) as being unpatentable over Cho et al in view of Funamoto et al (US Patent No. 5,949,505).

In this paper, claims 1 and 6 are amended to recite a novel and nonobvious feature of the present invention. Namely, claims 1 and 6 are amended to recite a planar light emitting mechanism comprising, *inter alia*, a lamp having a brighter effective emitting area totally distributed along the side of a light guiding plate in a concave shape with respect thereto. Support for these amendments can be found on pages 4-6 and in Figs. 2-3 of the present application.

Reconsideration of this application as amended is respectfully requested in light of the amendments and the remarks contained below.

Rejections Under 102(e)

Claims 1-5 stand rejected under 35 USC 102(e) as being anticipated by Cho et al. Cho et al teach an edge active lighting type electrode employed as an EEFL or CCFL around a plastic light guide. As shown in Figs. 2b and 3b of Cho et al, the edge active lighting type electrode is substantially L-shaped, including sharp 90-degree deformations to turn around the edge of the plastic light guide, wherein the brighter effective emitting area is straight and parallel to the side of plastic light guide. In another embodiment illustrated in Fig. 3d of Cho et al., the lamp is bent at edge portions of the panel to form a wave shape.

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Cho et al does not teach a planar light emitting mechanism comprising a lamp having a brighter effective emitting area totally distributed along the side of a light guiding plate in a concave shape with respect thereto and a curved darker emitting area adjacent to a corner of the light guiding plate, as recited in claim 1.

MPEP 2131 prescribes that to anticipate a claim, a reference must teach every element of the claim. In this regard, the Federal Circuit has held:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As amended, claim 1 recites a planar light emitting mechanism comprising, *inter alia*, a lamp *having a brighter effective emitting area totally distributed along the side of a light guiding plate in a concave shape with respect thereto and a curved darker emitting area adjacent to a corner of the light guiding plate*. None of the embodiments taught by Cho et al teach a planar light emitting mechanism having these features.

Applicant therefore submits that Cho et al does not teach every element set forth in claim 1 as amended. For at least this reason, it is Applicant's belief that claim 1 is allowable over the cited reference. Insofar as claims 2-5 depend from claim 1, it is Applicant's belief that these claims are also allowable.

Rejections under 35 USC 103(a)

Claims 6-10 stand rejected under 35 USC 103(a) as being unpatentable over Cho et al in view of Funamoto et al. In the office action, Funamoto et al is relied upon to teach a round corner of a light guiding plate.

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Neither Cho et al nor Funamoto et al teach a planar light emitting mechanism comprising a lamp having a brighter effective emitting area totally distributed along the side of the light guiding plate in a concave shape with respect thereto and two darker emitting areas, wherein the brighter effective emitting area is between the darker emitting areas, and at least a darker emitting area is adjacent to the round corner, as recited in claim 6.

MPEP 2142 reads in part:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In connection with the third criteria, MPEP 2143.03 goes on the state:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

As amended, claim 6 recites a planar light emitting mechanism comprising, *inter alia*, a lamp *having a brighter effective emitting area totally distributed along the side of the light guiding plate in a concave shape with respect thereto and two darker emitting areas, wherein ... at least a darker emitting area is adjacent to the round corner.*

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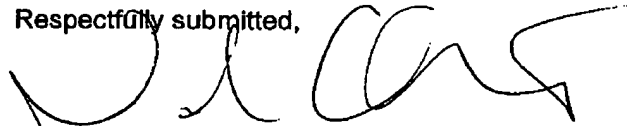
As noted above, Cho et al teach an edge active lighting type electrode employed as an EEFL or CCFL around a plastic light guide, while Funamoto et al teach a round corner of a rectangular light guiding plate. However, Cho et al fails to teach a lamp having a brighter effective emitting area totally distributed along the side of the light guiding plate in a concave shape with respect thereto. Furthermore, neither Cho et al nor Funamoto et al, when taken alone or in combination, teach a lamp having a brighter effective emitting area totally distributed along the side of the light guiding plate in a concave shape with respect thereto and two darker emitting areas, wherein at least a darker emitting area is adjacent to the round corner.

Applicant therefore submits that, when taken alone or in combination, Cho et al and Funamoto et al fail to teach all of the claim limitations of claim 6 as amended, and thus the basic criteria for establishing a *prima facie* case of obviousness are not met. For at least this reason, it is Applicant's belief that claim 6 is allowable over the cited references. Insofar as claims 7-10 depend from claim 6, it is Applicant's belief that these claims are also allowable.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so. The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 502447. In particular, if this response is not timely filed, then the commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 C.F.R. § 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to Deposit Account No. 502447.

Respectfully submitted,



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